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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/812,065	03/30/2004	Tsuyoshi Tanabe	Q80615	1315
23373	7590	10/17/2006	EXAMINER	
SUGHRUE MION, PLLC 2100 PENNSYLVANIA AVENUE, N.W. SUITE 800 WASHINGTON, DC 20037				KOHNER, MATTHEW J
ART UNIT		PAPER NUMBER		
		3653		

DATE MAILED: 10/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/812,065	TANABE, TSUYOSHI
	Examiner	Art Unit
	Matthew J. Kohner	3653

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 07 August 2006.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 2-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 2,3 and 10 is/are rejected.
- 7) Claim(s) 4-9 is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All
 - b) Some *
 - c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) Notice of Informal Patent Application
- 6) Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2, 3 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 5,724,626 to Todoki (*hereinafter “Todoki”*) in view of JP Patent No. 358119526A to Kikuchi (*hereinafter “Kikuchi”*).

Todoki discloses a sheet discharging apparatus including:

a conveying means for conveying a sheet on a conveying path (16), and a high speed discharging means (col. 2, line 15) for discharging through an exit of said conveying path, said high speed discharging means being disposed at said exit, and a discharging speed of said high speed discharging means being higher than a conveying speed of said conveying means, said high speed discharging means comprising:

a drive shaft (27);

a drive roller (24) rotatably and coaxially attached to said drive shaft, said drive roller being unshiftable in an axial direction of said drive shaft;

a frictional connection unit for firmly combining said drive roller and said drive shaft with frictional force (see Fig. 4 where the roller is frictionally held on the shaft 27); and

a nip roller (25) idly rotatable, said nip roller nipping said sheet with said drive roller to discharge out said sheet.

In regard to claim 2, Todoki does not disclose a frictional connection unit which further comprises:

a fixing member fixed to said drive shaft;
a friction member for contacting an end surface of said drive roller; and
a biasing member provided between said fixing member and said friction member said biasing member pressing said friction member to said end surface of said drive roller.

However, Kikuchi discloses a frictional connection unit which includes a fixing member (10) fixed to said drive shaft; a friction member (9) for contacting an end surface of said drive roller (see Fig. 3); and a biasing member (11) provided between said fixing member and said friction member said biasing member pressing said friction member to said end surface of said drive roller. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have substituted Kikuchi's torque limiter for Todoki's torque limiter, since Todoki discloses any type of torque limiter can be used (col. 5, lines 50-53). Further, Kikuchi's torque limiter would be less expensive and simpler than Todoki's magnet particles type torque limiter.

In regard to claim 3, Kikuchi discloses a coil spring (11) wherein the first end is fixed to the fixing member and the second end is fixed to the friction member (see Fig. 3).

In regard to claim 10, see Fig. 3.

Response to Arguments

Applicant's amendment has overcome the rejection of the previous office action since the biasing member of US Patent No. 5,749,569 to Atsumi et al. does not press the friction member against and into frictional contact with the end surface of the driver roller. Therefore, the prior art rejection is overcome. However, the new prior art rejection, necessitated by the amendment, is made. Applicant's amendment has also overcome the 112 rejections of previous office action.

Allowable Subject Matter

Claims 4-9 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew J. Kohner whose telephone number is 571-272-6939. The examiner can normally be reached on Mon-Fri 9-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Mackey can be reached on 571-272-6916. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Matthew J. Kohner
Examiner
Art Unit 3653

mjk



PATRICK MACKEY
SUPERVISORY PATENT EXAMINER
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